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Crl.O.P.No.3992 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.3992 of 2025

Mani

...Petitioner/Sole Accused

Vs.

The State rep by
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Crime No.29 of 2025)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of BNSS to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.29 of 2025 pending on the file of the respondent.

For Petitioner :Mr.K.Balakrishnan

For Respondent :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.29 of 2025 registered for the offence under Section 5(1), 5(j)(ii) read with Section 6(1) of POCSO Act.

2. The case of the prosecution is that the petitioner aged 24 years and



the victim aged 15 years were in a love affair; that the petitioner is a close relative viz., aunt's son of the victim; that on the promise of marriage, the petitioner had sexual intercourse with the victim on several occasions; that the menstrual cycle of the victim had skipped; that on 20.01.2025, the victim informed her mother about the excessive bleeding and on 22.01.2025, they went to the Doctor and the Doctor confirmed it as abortion and that the victim had informed her mother about the alleged relationship and thus the aforesaid case was registered.

3. The learned counsel for the petitioner would submit that the allegations are false and that in any case, there is consensual relationship between the petitioner and the victim; that the victim has not complained about the alleged occurrence and in any case custodial interrogation is not required and sought for anticipatory bail

4. The learned Government Advocate (Crl.Side) reiterated the case of the prosecution and produced a copy of the Section 183(5) BNSS statement and confirmed the fact that the petitioner is a close relative of the victim.

5. On perusal of the 183(5) BNSS statement, it would reveal that the petitioner and the victim are related to each other and that they had love



affair; that the petitioner's house is six houses away from the victim's house, and that there was a consensual relationship with the petitioner. Considering the nature of allegations and the relationship between the petitioner and the victim, this Court is of the view that, custodial interrogation is not required for the purpose of investigation and this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dharmapuri** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties each** for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or



Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police twice a week i.e, every Monday & Friday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

28.02.2025

rkp

Copy to:

- 1.The Inspector of Police,
Palacode Police Station, Dharmapuri District.
- 2.The Sessions Judge, Special Court for Exclusive Trial of Cases under
POCSO Act, Dharmapuri.
- 3.The Public Prosecutor, High Court, Madras.

SUNDER MOHAN, J.

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